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OFFICE OF PETITIONS

INTELLECTUAL PROPERTY / TECHNOLOGY LAW  
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In re Application of	:	
Fabre, et al.	:	
Application No. 10/563,033	:	DECISION REFUSING STATUS
Filed: December 30, 2005	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 4258-118	:	
	:	

This is in response to the petition under 37 CFR 1.47, filed September 7, 2006, which is being treated as a petition under 37 CFR 1.47(a).<sup>1</sup>

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor.

**Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

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<sup>1</sup> A petition under 37 CFR 1.47(a) is appropriate when some of the inventors have refused to sign. A petition under 37 CFR 1.47(b) is appropriate when all of the inventors have refused to sign.

Accompanying the petition is a declaration executed by inventors Fabre, Menoyo, and Esquius, but with the signature block for inventor Matas left blank. Signing for inventor Matas is Luiz Ruiz.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, drawings, oath or declaration); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Rule 47 applicant has not met requirement (2) above.

As to requirement (3), Rule 47 applicant has not submitted the \$200 petition fee.

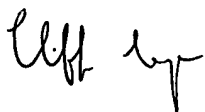
As to requirement (2), the signature block for inventor Matas should be left blank. As this is not a 37 CFR 1.47(b) petition, it is not acceptable that Ruiz sign for Matas. Rather, the signing inventors sign on behalf of the non-signing inventor. A declaration with a blank signature block for the nonsigning inventor will be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor.<sup>2</sup>

Further correspondence with respect to this matter should be addressed as follows:

By mail:           Mail Stop Petitions  
                  Commissioner for Patents  
                  P.O. Box 1450  
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By FAX:           (571)273-8300  
                  Attn: Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions

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<sup>2</sup> See MPEP 409.03(a).